

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KABEER KHAN,	:	
Plaintiff	:	
V.	:	CIVIL ACTION NO:
7-ELEVEN, INC.,	:	1:14-CV-13384-WGY
Defendant	:	

PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

The plaintiff, KABEER KHAN, moves under Rule 65(a), Federal Rules of Civil Procedure, for a preliminary injunction against the defendant, 7-ELEVEN, Inc., to obtain the following relief pending further orders of the Court:

- (1) to re-instate all rights and privileges of the plaintiff under the 7-Eleven franchise agreement with the plaintiff, including
 - (a) the reinstatement of the 7-Eleven, Inc. financing system;
 - (b) maintaining the POS cash register system for sales and other activity recorded by the POS system;
 - (c) reinstate the Massachusetts Lottery to plaintiff's store;
 - (d) reinstate the money order system to plaintiff's store;
 - (e) to reinstate the phone card activation system at the cash register;
 - (f) to prevent the expiration of the Massachusetts cigarette vendor excise tax license for the plaintiff's store;
 - (g) to prevent 7-Eleven, Inc. from enjoining the plaintiff to the regular use of the 7-Eleven, Inc.'s marks, service marks and other indicia of a 7-Eleven store under the franchise agreement;
 - (h) to enjoin the defendant from taking any measures to evict the plaintiff at his store located at 1040 North Main Street, Fall River, Massachusetts; and

- (i) to enjoin the defendant from interfering with the normal operation of the plaintiff's 7-Eleven store;
- (2) to order a cease and desist against the defendant from terminating the franchise rights of the plaintiff; and
- (3) such other relief as the Court deems just.

This motion for preliminary injunction is supported by

- (1) Verified Complaint dated August 12, 2014, originally filed in Bristol Superior Court;
- (2) Plaintiff's Memorandum in Support of Plaintiff's Motion for Preliminary Injunction to be filed herewith;
- (3) Attachment A: Affidavit of Kabeer Khan dated September 11, 2014 in support of Plaintiff's Motion for Preliminary Injunction;
- (4) Attachment B: 7-Eleven financial summary of plaintiff's store for years ended December, 2012 and December, 2013.


LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1 (a)(2), I, as counsel for the Plaintiff, state that Attorney John P. Francoeur had attempted in good faith to resolve or narrow the issues raised herein with Defendant's counsel on August 7, 2014, but counsel were unable to agree on terms mutually acceptable prior to the filing of this motion for injunctive relief.

Respectfully submitted,

THE PLAINTIFF and
DEFENDANT IN COUNTERCLAIMS,
KABEER KHAN,
By his attorney,

Dated: September 11, 2014


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CERTIFICATE OF SERVICE

I, John E. Pearson, Esquire, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on September 11, 2014. An additional copy of the foregoing was served by first class mail, postage prepaid and by email upon John P. Francoeur, Levin & Levin, 138 Rock Street, Fall River, Massachusetts 02722, jpf@levin4law.com on September 11, 2014

Dated: September 11, 2014



John E. Pearson